

The Federal Prison Oversight Act (H.R. 3019/S. 1401)

The Problem:

The Bureau of Prisons (“the Bureau”) incarcerates over 150,000 people and employs tens of thousands of correctional officers, yet it operates without any meaningful independent oversight. The result has been disastrous for both incarcerated people and staff, whose health and safety are threatened by systemic failures within the Bureau that remain hidden from public scrutiny. These failures have resulted in a host of problems plaguing our federal prisons: unchecked threats and violence, including sexual violence against women, chronic understaffing that jeopardizes safety and undermines reform efforts, inadequate medical care, and more.

The Solution:

The Bureau should be subject to meaningful, independent oversight by the Department of Justice’s Office of Inspector General (IG). Further, there needs to be a safe and accessible way for incarcerated people, their families, and Bureau staff to raise complaints about serious and system problems in the federal prison system, including civil rights violations and poor prison conditions.

Legislative Summary:

The Federal Prison Oversight Act contains two main provisions to improve the safety and accountability of our federal prison system.

- **Comprehensive, Risk-Based Inspections of Prison Facilities.** The bill tasks the IG with conducting comprehensive, risk-based inspections of the Bureau’s public and privately operated facilities to identify shortcomings that affect incarcerated people staff, and to provide recommendations to address them. The IG will assign each facility a risk score, and higher-risk facilities will receive more frequent inspections. The IG may inspect a facility if the IG determines one or more of the enumerated inspection criteria should be inspected. The IG is further charged with reporting its findings and recommendations to Congress and the public, and the Bureau is charged with responding to all inspection reports within 60 days with a corrective action plan.
- **Targeted Investigations by Independent Ombudsman.** The bill establishes an Ombudsman within the Justice Department tasked with performing targeted investigations into issues that adversely affect the health, safety, welfare, or rights of incarcerated people or staff. The Ombudsman can initiate an investigation based on an outside complaint, such as one filed by an incarcerated person or staff. The Ombudsman is further charged with communicating its decision on the merits of an investigation to the complainant (if applicable) and the Bureau. Upon a finding of previous or continuing significant harm, the Ombudsman shall report their findings to the Attorney General and Congress. This bill tasks the Ombudsman with creating a secure hotline and online form to be made available on the website wherein the family members, friends, and representatives of incarcerated people can submit complaints and inquiries regarding issues within the Bureau.

Both the IG and the Ombudsman shall have access to all Bureau facilities, including the ability to conduct unannounced visits and private interviews with incarcerated people and staff. Communication with the IG and Ombudsman is confidential and privileged.

Finally, the bill states that the Justice Department should dedicate between 0.2 percent and 0.5 percent of the Bureau’s annual appropriations to carry out the inspections and investigations.

